

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Salwinder Singh,

Petitioner,

v.

Secretary of the Department of Homeland  
Security, et al.,

Respondents.

No. CV-16-00790-PHX-DJH

**ORDER**

This matter is before the Court on Petitioner's Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. 4) and the Report and Recommendation ("R & R") issued on October 31, 2016, by United States Magistrate Judge David K. Duncan (Doc. 13). Since the filing of his Petition, Petitioner has received the relief he sought therein, *i.e.*, he received a second bond hearing and has been released from custody. Therefore, in its response to the Amended Petition, Respondents filed a Notice of Release and Suggestion of Mootness. Respondents "suggest[ed] that the Amended Petition should be denied as moot insofar as it challenged [petitioner] Singh's continued detention, and should be denied for lack of jurisdiction insofar as it challenged and/or sought review of [his] credible fear claims." (Doc. 12 at 4:15-18).

Agreeing with Respondents, that the "Court did not have jurisdiction to order a second credible fear hearing[.]" and that Petitioner had "received all of the relief that this Court could have ordered[.]" Judge Duncan recommended dismissing the Amended Petition as moot. (Doc. 13 at 1:19-23). Not surprisingly, Petitioner did not file any

1 specific written objections to the R & R, as he was entitled to do, and the time to do so  
2 has passed.

3 Absent any objections, the Court is not required to review the findings and  
4 recommendations in the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1989) (The  
5 relevant provision of the Federal Magistrates Act, 28 U. relevant provision of the Federal  
6 Magistrates Act, 28 U.S.C. § 636(b)(1)(C), “does not on its face require any review at all  
7 . . . of any issue that is not the subject of an objection.”); *United States v. Reyna-Tapia*,  
8 328 F.3d 1114, 1121 (9th Cir. 2003) (same); Fed.R.Civ.P. 72(b)(3) (“The district judge  
9 must determine de novo any part of the magistrate judge’s disposition that has been  
10 properly objected to.”). Nonetheless, the Court has reviewed the R&R and agrees with  
11 its recommendation. The Court will, therefore, accept the R&R, and dismiss the Petition  
12 as moot and without prejudice. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court may  
13 accept, reject, or modify, in whole or in part, the findings or recommendations made by  
14 the magistrate judge.”); Fed.R.Civ.P. 72(b)(3) (same).


15 Accordingly,

16 **IT IS ORDERED ACCEPTING AND ADOPTING** as an Order of this Court  
17 Magistrate Judge Duncan's R & R (Doc. 13);

18 **IT IS FURTHER ORDERED DISMISSING WITHOUT PREJUDICE** the  
19 Amended Petition Under 28 U.S.C. 2241 for a Writ of Habeas Corpus by a Person in  
20 Federal Custody (Doc. 4); and

21 **IT IS FINALLY ORDERED** that the Clerk of Court shall terminate this action  
22 and enter judgment accordingly.

23 Dated this 15th day of November, 2016.

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26   
27 Honorable Diane J. Humetewa  
28 United States District Judge